

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 3-12 are presently active in this application, with Claims 1-2 and 13-14 withdrawn from consideration and Claims 3-12 amended by the present amendment.

In the outstanding Office Action, Claims 3-12 were rejected under 35 U.S.C. § 101 because the claimed invention was directed to non-statutory subject matter; Claims 3-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Larson et al. (U.S. Patent No. 6,556,980, hereinafter Larson).

Claim 3 is amended to overcome the rejection under 35 U.S.C. § 101. Claims 3-12 are amended to more clearly describe and distinctly claim Applicants' invention. Support for these amendments is found in Applicants originally filed specification. No new matter is added.

Briefly recapitulating, independent Claim 3 is directed to a method for ordering parts used in fluid machinery. The method includes a step of storing information about a plurality of groups of fluid machinery of a user in a compatible-parts database. Each member of a group has a part compatible with other members of the group. The storing in the database allows identification of the part with a part identifier uniquely predetermined to indicate compatibility with the group. The method also includes presenting the compatible-parts database to the user; and ordering, by the user, the compatible part for fluid machinery from a service provider by referring to the compatible-parts database. Independent Claim 10 is directed to a system substantially corresponding to the method recited in Claim 3. With

Applicants' inventions, a user can instantaneously and easily find what common parts are used in the user's fluid machinery.¹

Larson discloses use of a local general vehicle specification database 22, a remote general vehicle specification database 24 and data storage database 26 containing information specific to a vehicle.² When a mechanic requires information, his computer first checks the local database 22, and if the information required is not in the local database 22, the computer checks the remote database 24 for the information. Larson does not disclose the purpose of the data storage database 26. In Larson, alignment data (as well as account administrative data) is stored. In Claim 9, Larson recites the "retrieved set of vehicle specifications include service parts data." However, the specification of Larson provides no support for this claim. Furthermore, Larson does not disclose or suggest storing compatible parts data in a compatible parts database. In particular, Larson does not disclose or suggest that the service parts data recited in Claim 9 is anything more than performance specification information, rather than compatibility information.

Larson also fails to disclose or suggest ordering compatible parts as recited in Applicants' Claims 3, 5, and 8. In Larson, vehicle information, and presumably the parts data recited in Claim 9, is used for repair and tuning, not ordering. The only ordering or payment steps disclosed in Larson concern ordering and paying for information, not for parts.³ Larson also does not disclose Applicants' steps of procuring and managing as recited in Claims 11 and 12. Larson also does not disclose or suggest Applicants' steps of regularly or irregularly acquiring information as recited in Claims 9 and 10.

Because the cited prior art does not disclose or suggest all the elements of independent Claim 3, Applicants submit the inventions defined by Claim 3, and all claims

¹ Specification, page 6, lines 22-28.

² Larson, Figures 1-2; column 6, lines 22-43.

³ Larson, Figure 4.

depending therefrom, are not rendered obvious by the asserted prior art for at least the reasons stated above.⁴ Furthermore, Applicants submit it would be an impermissible hindsight reconstruction of Applicants' invention to modify Larson to include a step of storing parts compatibility data, let alone Applicants' claimed steps of ordering, procuring, managing, and regularly or irregularly acquiring information.⁵

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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⁴ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

⁵ MPEP § 2143.01 "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge of one of ordinary skill in the art."